



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 15, 1998

Ms. JoAnn S. Wright
Walsh, Anderson, Brown, Schulze
& Aldridge, P.C.
P.O. Box 168046
Irving, Texas 75016-8046

OR98-3135

Dear Ms. Wright:

You ask that we reconsider a portion of our decision in Open Records Letter No. 98-2305 (1998) that concerned the required public disclosure of certain attorney fee bills under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 120619.

Open Records Letter No. 98-2305 determined that the Keller Independent School District (the "school district") must release to the requestor portions of the fee bills pursuant to the Family Educational Rights and Privacy Act of 1974 ("FERPA"), 20 U.S.C. § 1232g, which grants parents a right to inspect the education records of their children. *See* 20 U.S.C. § 1232g(a)(4)(A). The decision also determined that the school district may withhold portions of the requested fee bills pursuant to section 552.107(1) of the Government Code. We returned the information at issue with markings to indicate the information that the school district may withhold from disclosure based on section 552.107(1). This office ruled on the required public disclosure of the same fee bills at issue in a prior decision, Open Records Letter No. 98-1573 (1998). In the earlier ruling, we had also returned the information at issue with markings to indicate the information the school district may withhold from disclosure. You observe that this office's markings on the same bills differ.

The difference in the markings is explained by the fact that in Open Records Letter No. 98-1573 this office permitted the school district to withhold portions of the fee bills based on section 552.103, while in Open Records Letter No. 98-2305, we permitted the school district to withhold portions of the fee bills based on section 552.107(a). The scope of the two exceptions is not coextensive. Section 552.103 covers more information. However, we believe that, in concluding that section 552.103 was applicable in Open Records Letter No. 98-1573, this office failed to consider the fact that the requested fee bills

are the education records of the requestor's child. Section 552.103 may not be applied to deny a parent his rights under FERPA. Open Records Decision No. 431 (1985) (construing predecessor exception). We therefore affirm the markings on the fee bills we made in accordance with Open Records Letter No. 98-2305.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script that reads "Kay Hastings".

Kay Hastings
Assistant Attorney General
Open Records Division

KHH/ch

Ref.: ID# 120619

Enclosures: Submitted documents